

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

McALLISTER TOWING AND	:	
TRANSPORTATION COMPANY, INC.	:	
	:	
And	:	CIVIL ACTION
	:	
	:	
McALLISTER TOWING OF	:	NO. 12-2208
PHILADELPHIA, INC.	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
UNITED STATES OF AMERICA	:	
	:	
Defendant.	:	

**ORDER**

**AND NOW**, this 8<sup>th</sup> day of *January*, 2013, upon consideration of Defendant's Motion to Dismiss (Docket No. 11), Plaintiffs' Response in Opposition (Docket No. 13), Defendant's Reply Brief (Docket No. 14), and Plaintiffs' Sur-Reply Brief (Docket No. 15), is hereby **ORDERED** that the Motion is **DENIED**.

BY THE COURT:

*s/ Ronald L. Buckwalter*  
RONALD L. BUCKWALTER, S.J.